



# PUBLIC NOTICE

US Army  
Corps  
of Engineers  
Baltimore  
District

In Reply to Application Number  
CENAB-OP-RMS(POWLEY'S MARINA)02-65651-7

**Comment Period: May 30, 2003 to June 30, 2003**

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THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT      *Powley's Marina*  
                    *c/o Mr. William H. Windsor*  
                    *2147 Wingate Bishops Head Road*  
                    *Wingate, Maryland 21675*

LOCATION:        *In Hearn's Cove and Hearn's Creek at Wingate, Dorchester County, Maryland*

WORK:        *The applicant proposes to construct and backfill approximately 1,000 linear feet of bulkhead by installing timber sheets on an existing timber and piling system within a maximum of 23 feet channelward of the approximate mean high water shoreline; to construct and backfill an additional 90 linear feet of new bulkhead within a maximum of 6 feet of the approximate mean high water shoreline; to remove existing deteriorated pilings to construct approximately 125 linear feet of low-profile bulkhead immediately adjacent to the existing shoreline, and south of the existing culverted road crossing area by backfilling to a height no greater than the existing marsh elevation; to repair 420 linear feet of bulkhead by placing steel sheeting landward of the existing bulkhead; to construct seven 20' long finger piers with 7 mooring piles to create 6 new boat slips along an existing timber breakwater; to mechanically dredge an approximate 1,200' long by 60' wide docking area in front of the proposed bulkhead to depths varying from -4 to -5 feet below mean low water; and to utilize a portion of the resulting approximate 3,500 cubic yards of dredged material as backfill behind the proposed bulkheads and deposit the remaining dredged material in the former disposal site which now serves as the marina parking area.*  
*NOTE: This work was previously authorized by Department of the Army permit CENAB-OP-RS(POWLEY'S MARINA)94-65218-6 on May 12, 1995.*

The purpose of the work is to upgrade an existing commercial marina; to control shoreline erosion; and to improve navigable access. All work is to be completed in accordance with the enclosed plans. If you have any questions concerning this matter, please contact *Mrs. Maria Lasek* at (410) 962-4501.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH). The project site lies in or adjacent to EFH as described under MSFCMA for Scophthalmus aquosus (windowpane flounder) juvenile and adult; Pomatomus saltatrix (bluefish) juvenile and adult; Peprilus triacanthus (Atlantic butterflyfish) eggs, larvae, juvenile and

adult; Paralichthys dentatus (summer flounder) larvae, juvenile and adult; Centropristus striata (black sea bass) juvenile and adult; and eggs, larvae, juvenile and adult stages of Scomberomorus cavalla (king mackerel), Scomberomorus maculatus (Spanish mackerel), Rachycentron canadum (cobia), and Sciaenops ocellatus (red drum), managed species under MSFCMA. The project has the potential to adversely effect EFH on the species of concern by loss of spawning, nursery, forage and/or shelter habitat. The Baltimore District has determined that the adverse effects of this project would not be substantial and an abbreviated consultation will be conducted with NMFS. No mitigative measures are recommended to minimize adverse effects on EFH, at this time. This determination may be modified if additional information indicates otherwise and would change our preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the Maryland Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Standards and Certification Division Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant has certified in this application that the proposed activity complies with and will be conducted in a manner consistent with the Maryland Coastal Zone Program. This certification statement is available for inspection in the District Office; however, public comments relating to consistency must be received by the Coastal Zone Division, Maryland Department of the Environment, Montgomery Park Business Center, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230-1708, within the comment period as specified above. It should be noted that CZ Division has a statutory limit of 6 months in which to make its consistency determination.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

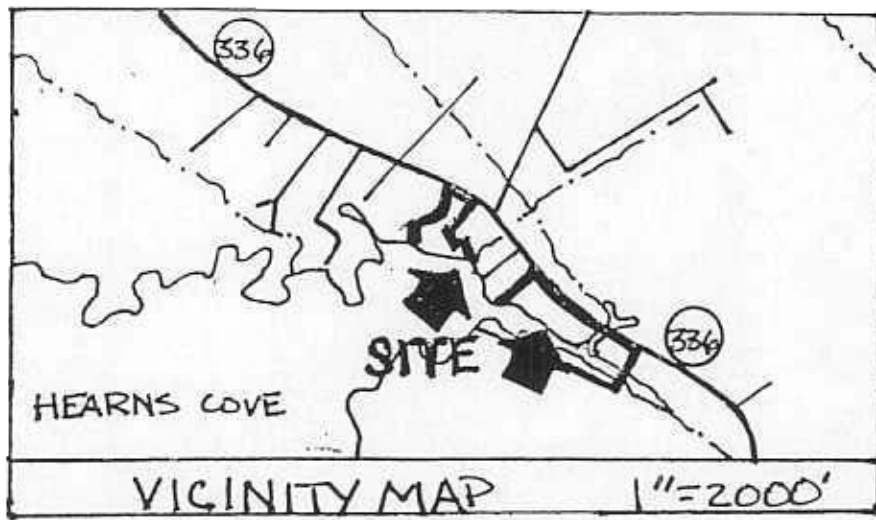
Review of the latest published version of the National Register of Historic Places indicates that no registered properties listed as eligible for inclusion therein are located at the site of the proposed work. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

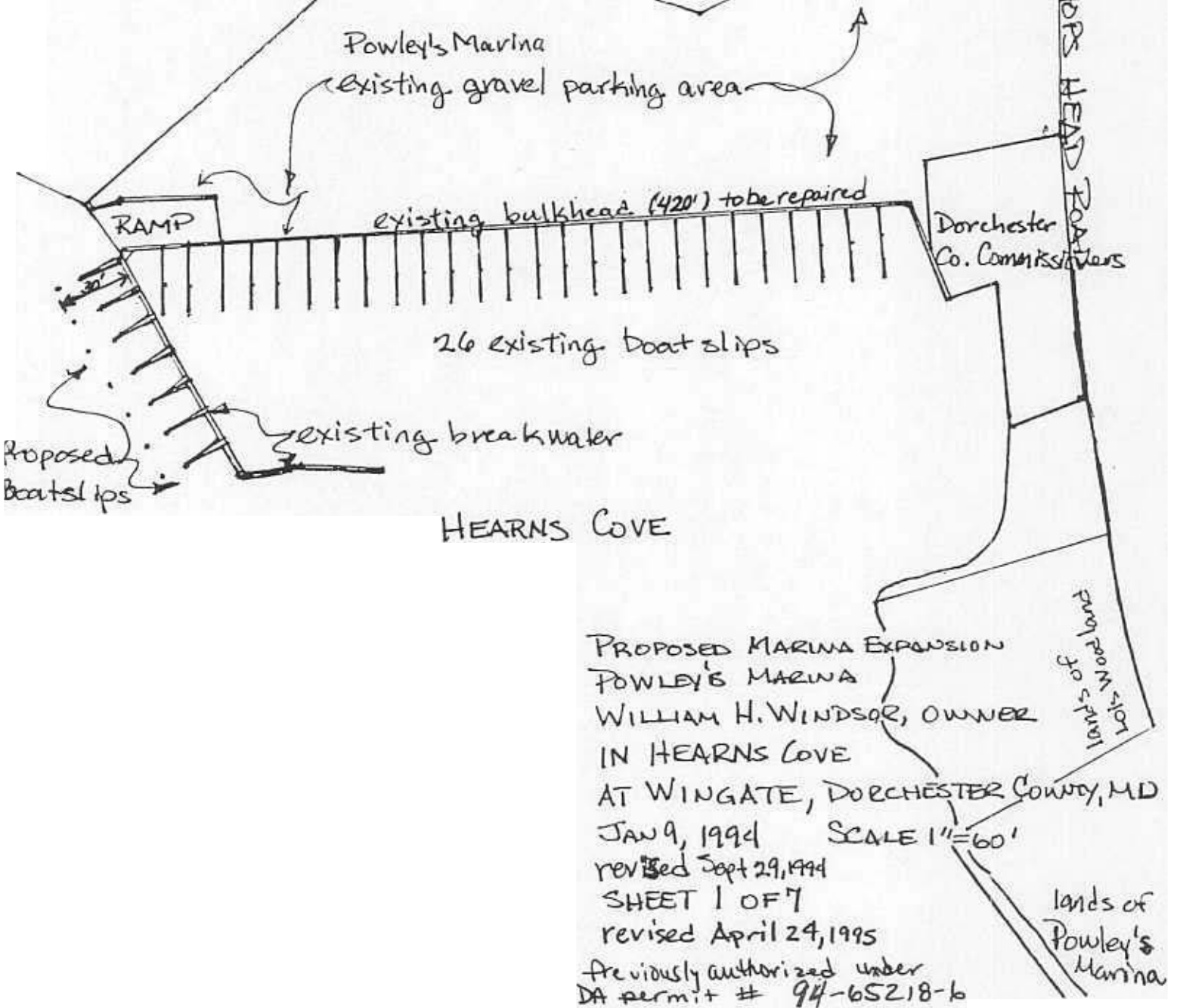
It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.

FOR THE DISTRICT ENGINEER:

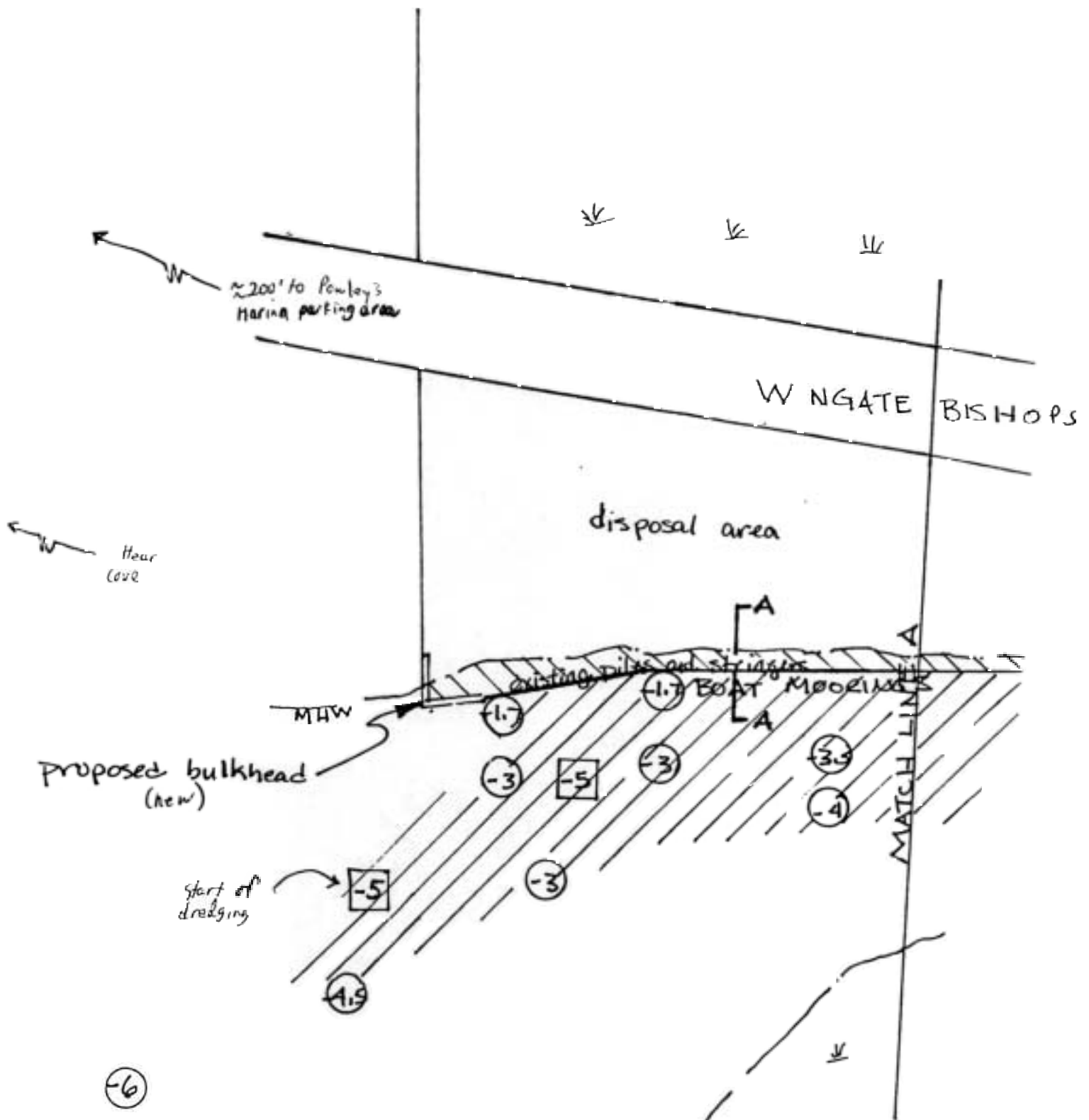
  
WALTER WASHINGTON  
Chief, Maryland Section Southern



Lands of the  
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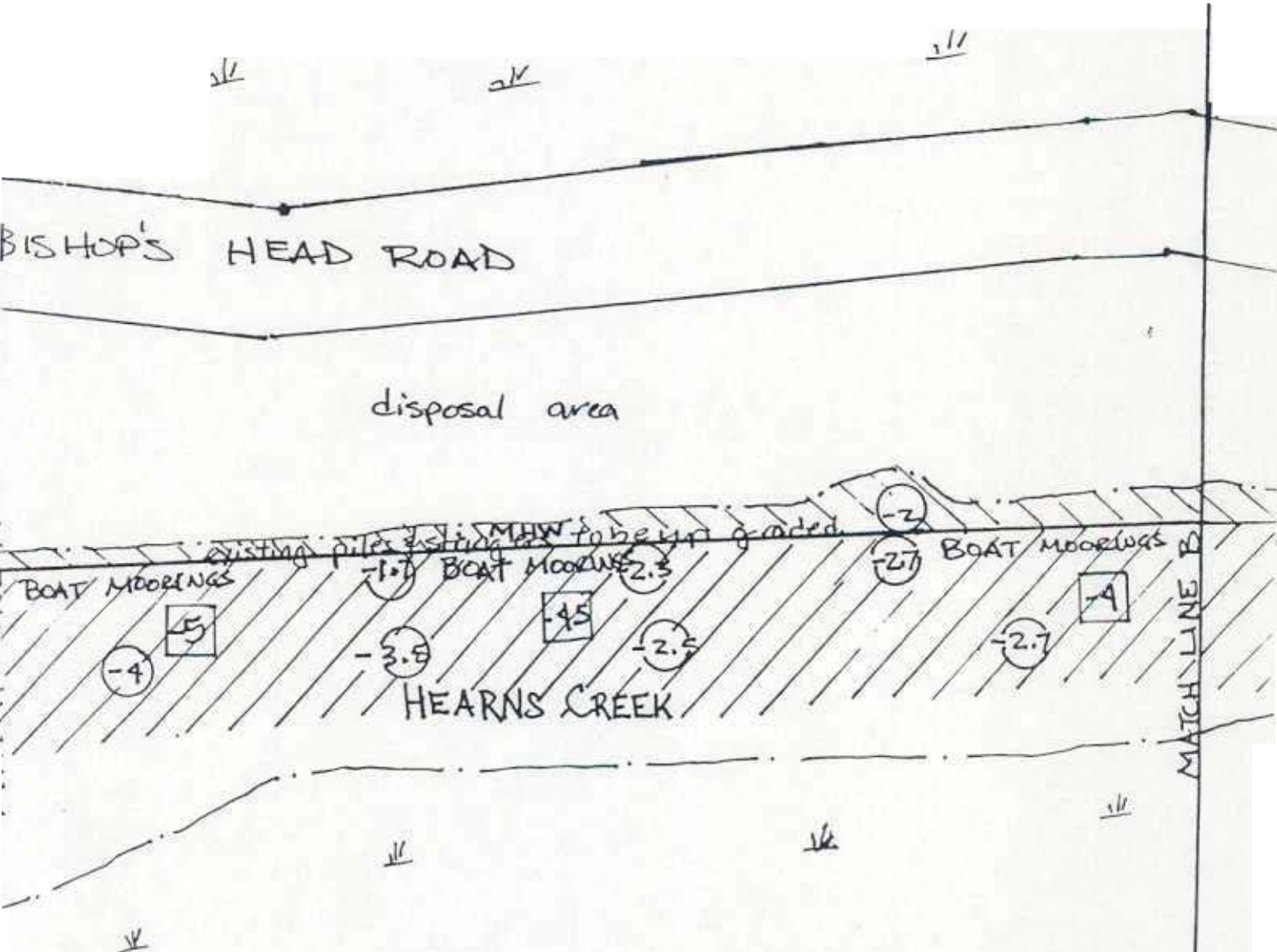


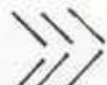



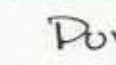



(-6)

Previously authorized under  
DA permit # 94-65218-6

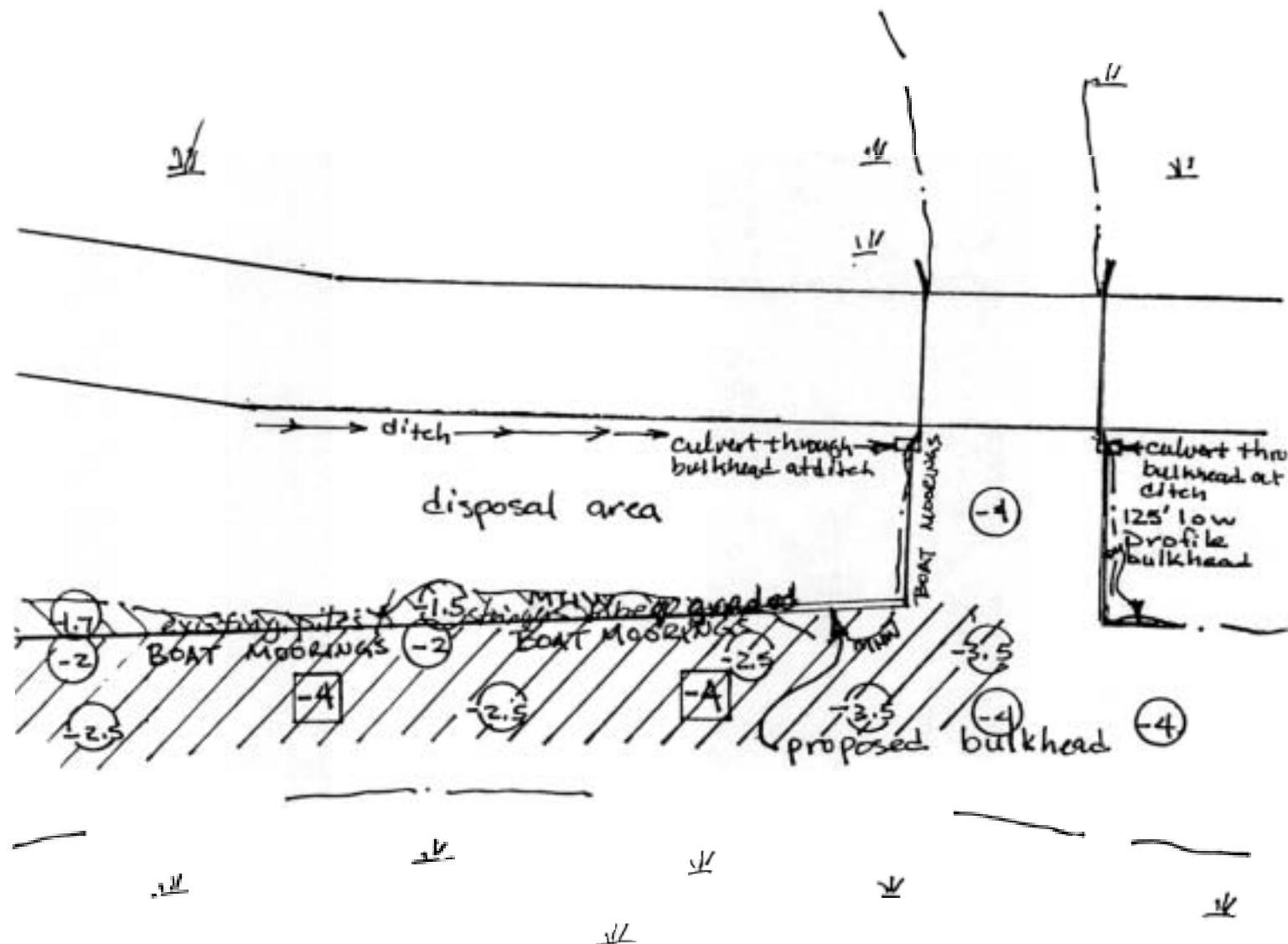




-  proposed fill area
-  proposed dredge area
-  existing depths (MLW)
-  proposed depths (MLW)
-  existing piles & stringers
-  proposed bulkhead

Previously authorized under  
 DA permit # 94-65218-6  
 revised April 24, 1995

Dowley's Manha Scale 1"=60'  
 sheet 4 of 7 revised Sept 29, 1994

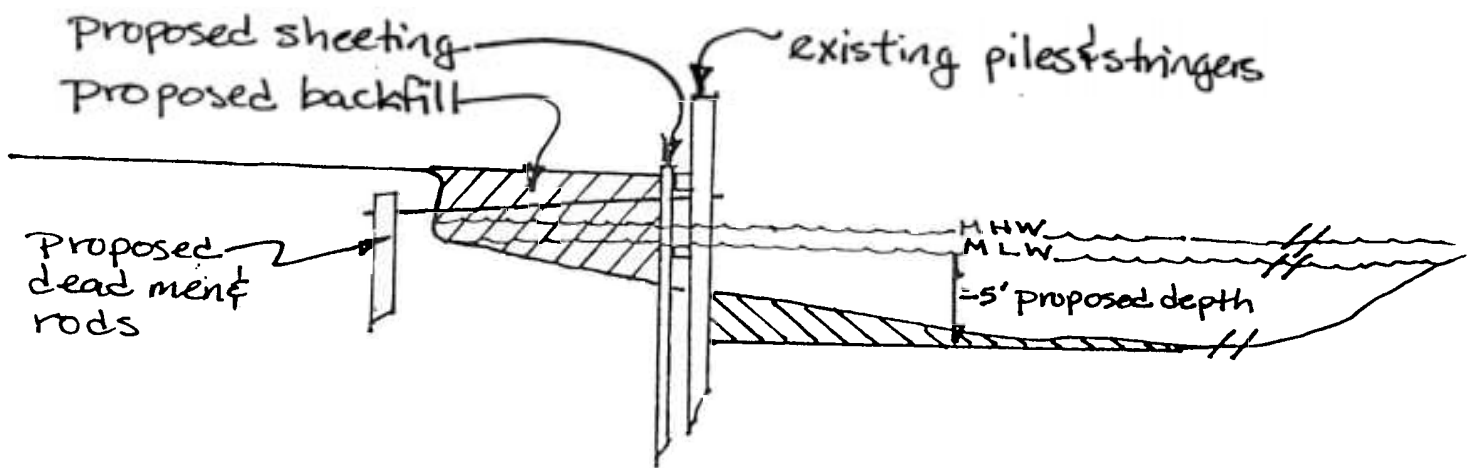
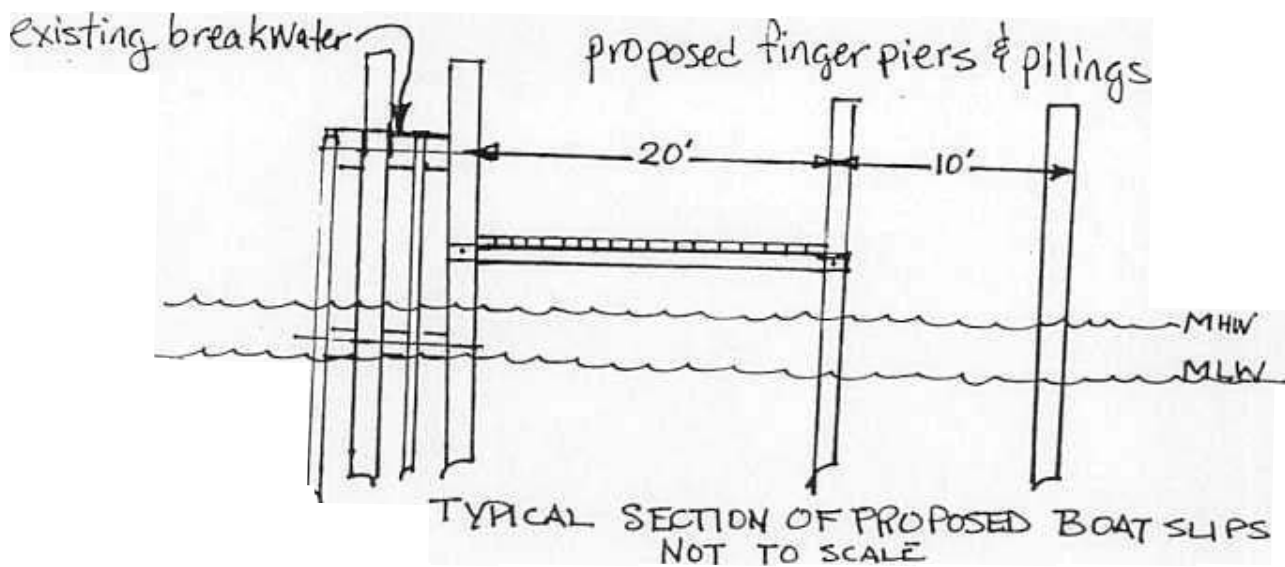


Note: Culverts to be installed through proposed bulkheads with no fill in existing roadside ditches

revised Sept. 29, 1994  
revised April 24, 1995

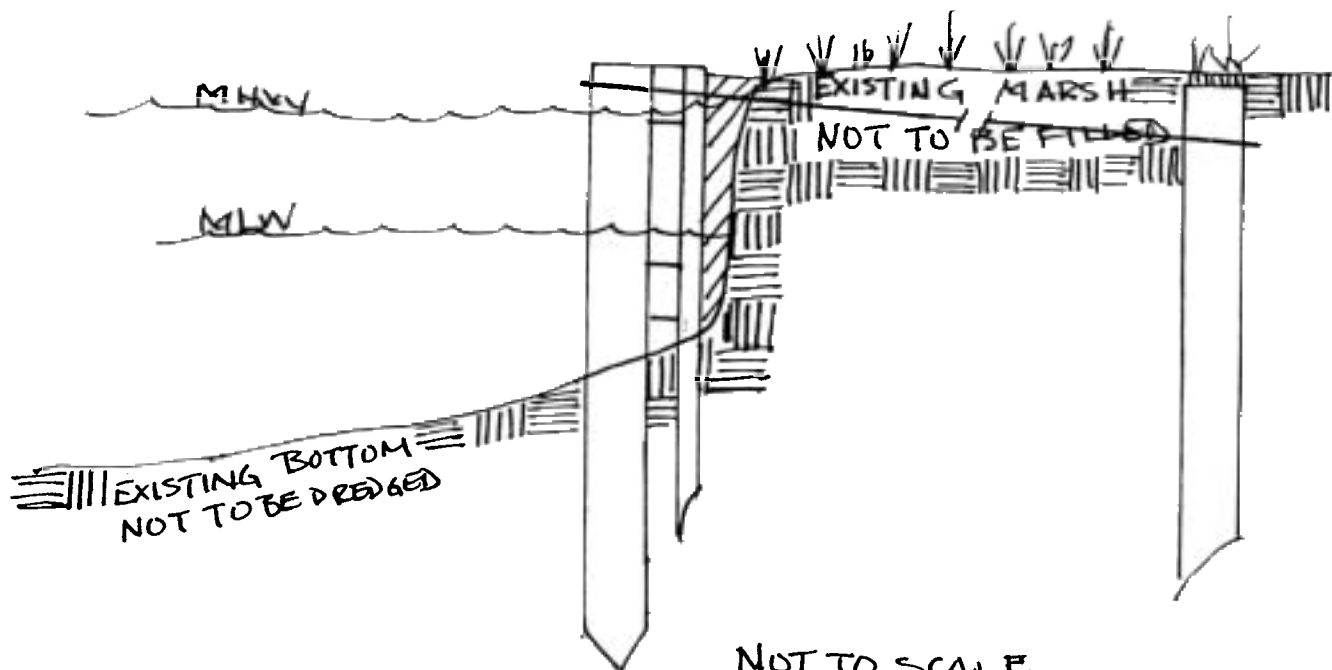
Previously authorized under DA permit #94-65218-b

Proposed Marina  
up grading & dredging  
Powley's Marina  
William H. Windsor, owner  
Hearns Creek, Wingate  
Dorchester Co., MD  
Jan. 9, 1994 scale 1"=60'  
sheet 5 of 7



- Notes: Proposed upgrading of 1,000 ft.± of existing timber piles and stringers to complete Bulkhead; to construct 125 ft.± of low profile bulkhead; to construct 90 ft.± of new bulkhead; to maintenance dredge an area of approx. 72,000 sq. ft. to a varied depth from -5 ft MLW to -4 ft MLW by mechanical method, the resulting 3,500 cu yd.± of dredged material to be used as backfill for the completed bulkhead and placed on former disposal area, now parking area.
- Proposed construction of 7 finger piers and 7 pilings off the existing breakwater, as part of a general upgrading of the Powley's Marina, William H. Windsor, owner





NOT TO SCALE

TYPICAL CROSS SECTION OF LOW PROFILE

BULKHEAD TO BE CONSTRUCTED NO HIGHER THAN MARSH

NO FILL TO BE PLACED IN EXISTING MARSH,

ALL EXISTING PILES IN THIS AREA TO BE REMOVED

Previously authorized under DA  
permit # 94-65218-6

POWLEY'S MARINA  
WILLIAM H. WINDSOR, OWNER  
REVISED APRIL 24, 1995  
SHEET 7 OF 7